

01/05

UNCLASSIFIED

BUENOS AIRES 6431

VZCZCBUI \*

RR RUEHC RUESAS RUEHMN RUEHRO RUESNA RUEOEHA

RUCBSAA

DE RUEHBU #6431/01 257 \*\*

ZNR UUUUU ZZP

R 141805Z SEP 83

FM AMEMBASSY BUENOS AIRES

TO RUEHC / SECSTATE WASHDC 8600

INFO RUESAS / AMEMBASSY ASUNCION 6134

RUEHMN / AMEMBASSY MONTEVIDEO 9090

RUEHRO / AMEMBASSY ROME 2631

RUESNA / AMEMBASSY SANTIAGO 6553

RUEOEHA / USCINCSO QUARRY HTS PN

RUCBSAA / CINCLANT NORFOLK VA

BT

UNCLAS SECTION 01 OF \* BUENOS AIRES 6431

CINCSO FOR INTAFF; CINCLANT ALSO FOR POLAD; ROME ALSO FOR VATICAN OFFICE

E.O. 12356: N/A

TAGS: SHUM, KPRP, PINS, AR

SUBJ: HUMAN RIGHTS TRENDS IN ARGENTINA

REFS: (A) BUENOS AIRES 5735, (B) STATE 142403

1. SUMMARY: THIS REPORT REVIEWS HUMAN RIGHTS THUS FAR IN 1983 LARGELY IN THE FORM OF QUESTIONS AND ANSWERS. THE NEXT FOUR PARAGRAPHS SUMMARIZE THE PRINCIPAL TRENDS. END SUMMARY.

2. THE MOST IMPORTANT TREND IN HUMAN RIGHTS HAS BEEN THE SMOOTH AND CONTINUAL EVOLUTION OF INTERNAL POLITICAL PROCESSES EXPECTED TO CULMINATE IN NATIONAL ELECTIONS ON OCTOBER 30 AND THE INSTALLATION OF A CONSTITUTIONAL GOVERNMENT BY JANUARY 30. POLITICAL PARTIES CONDUCTED INTENSIVE NATIONWIDE CAMPAIGNS TO AFFILIATE MEMBERS. INTERNAL ELECTIONS FOR PROVINCIAL PARTY DELEGATES WERE HELD IN EACH PROVINCE VIRTUALLY WITHOUT VIOLENCE. PROVINCIAL PARTY CONVENTIONS CHOSE LOCAL CANDIDATES AND DELEGATES TO NATIONAL CONVENTIONS WHICH SELECTED THE PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES AND, IN MOST CASES, APPROVED PARTY PLATFORMS. THE POLITICAL DEBATE HAS BEEN FREE AND OPEN, AND ALL SIDES HAVE HAD FULL ACCESS TO THE MEDIA. THE TECHNICAL PREPARATIONS FOR THE OCTOBER ELECTIONS (SUCH AS VOTER LISTS, THE SYSTEM OF BALLOTS AND THEIR COLORS, AND PROVISIONS FOR SECURITY) HAVE ADVANCED ON SCHEDULE. THERE HAS BEEN A HIGH LEVEL OF ORDERLY PUBLIC PARTICIPATION AND AN ABSENCE OF SERIOUS CLAIMS OF OFFICIAL INTERFERENCE IN THE ELECTORAL PROCESS.

3. IN ASSOCIATED AREAS INVOLVING POLITICAL RIGHTS AND THE RIGHTS OF ASSOCIATION AND PROTECTION OF THE LAW CONSIDERABLE PROGRESS HAS ALSO BEEN MADE. PRESS RESTRAINTS ARE PRACTICALLY NON-EXISTENT, AND CONTROLS ON THE ELECTRONIC MEDIA, LARGELY GOVERNMENT-OWNED, ARE LESS ONEROUS THAN AT ANY TIME SINCE THE 1976 COUP. THE JUDICIAL BRANCH DISPLAYS INDEPENDENCE AND ITS STRICTURES ON THE EXECUTIVE ARE OBSERVED. TRADE UNION FREEDOM IS GREATER THAN AT ANY TIME IN THE RECENT

CLASS: UNCLASSIFIED  
 CHRG: PROG 9-13-83  
 APPRV: CDA:JAFUSENELL  
 DRFTD: POL:JKING/JAALI  
 CDA:JAFUSENELL:  
 CLEAR: NONE  
 DISTR: POL-3 CDA DAO  
 ECON SCI USIS  
 MILGP DEA CONS  
 RF CERON

ARGENTINA PROJECT (S20000044)  
 U.S. DEPT. OF STATE, A/RP/RS  
 Margaret P. Griefeld, Director  
 ( ) Release ( ) Excise ( ) Deny  
 Exemptions(s):  
 Declassify: ( ) In Part ( ) In Full  
 ( ) Classify as ( ) Extend as ( ) Downgrade to  
 Date Declassify on Reason

01/05

UNCLASSIFIED

BUENOS AIRES 6431

8F123, 178/293

01/05

UNCLASSIFIED

BUENOS AIRES 6431

PAST; TRADE UNIONS AND THEIR LEADERS HAVE A SIGNIFICANT ROLE IN SETTING NATIONAL ECONOMIC POLICY; AND STRIKES, INCLUDING ONE NATIONAL STRIKE, OCCUR ALTHOUGH THEY ARE TECHNICALLY ILLEGAL.

4. THERE HAS ALSO BEEN IMPROVEMENT IN INDIVIDUAL RIGHTS. THERE HAVE BEEN ONLY A FEW INCIDENTS OF VIOLENCE AGAINST PERSONS PRECISELY MOTIVATED BY THEIR POLITICAL BELIEFS OR ACTIVITIES. THE NUMBER OF PRISONERS WITHOUT TRIAL ON POLITICAL-RELATED GROUNDS HAS CONTINUED TO FALL AS SOME PRISONERS HAVE BEEN RELEASED, SOME CONVICTED, AND SOME SENTENCES COMPLETED. THE MUCH GREATER ACTIVITIES OF THE COURTS, INCLUDING ACTIONS AGAINST THE POLICE, HAVE TENDED TO INCREASE THE SENSE OF PERSONAL SECURITY.

5. THE AREAS OF CONTINUING HUMAN RIGHTS CONCERNS ARE ASSOCIATED WITH THE AFTERMATH OF THE TERRORISM AND ANTI-TERRORIST ACTIVITIES OF THE MID-TO-LATE 1970'S. THERE ARE STILL AT LEAST 150 SO-CALLED PEN PRISONERS HELD WITHOUT TRIAL FOR EVENTS CONNECTED WITH THAT "DIRTY WAR". THE LESS THAN A DOZEN INCIDENTS OF KILLINGS OR SERIOUS THREATS ALL SEEM TO HAVE THEIR ANTECEDENTS IN THE DIRTY WAR. FOR EXAMPLE, A FEDERAL JUDGE AND AN EDITOR WHO WERE DEEPLY INVOLVED IN INVESTIGATIONS OF THE DIRTY WAR LEFT THE COUNTRY AFTER SAYING THEIR LIVES HAD BEEN THREATENED. ALL THREE OF THE PERSONS KILLED DURING THIS PERIOD IN REPORTED POLICE SHOOT-OUTS WERE INVOLVED IN THE TERRORISM OF THE 1970'S. WHERE MAGAZINES OR ELECTRONIC MEDIA HAVE BEEN CENSURED, IT IS BECAUSE OF ATTEMPTS TO GIVE PUBLICITY TO SOME EVENTS FROM THAT PERIOD. THE OFFICE OF A MAGAZINE IDENTIFIED WITH PUBLICATION OF ACCUSATIONS ON THE DIRTY WAR WAS BOMBED AUGUST 11. THE QUESTION OF AN AMNESTY FOR THOSE INVOLVED ON BOTH SIDES OF THE DIRTY WAR HAS BECOME A MAJOR POLITICAL ISSUE. ACCOUNTING FOR THE DISAPPEARED, MEANING EXPLAINING HOW THEY MAY HAVE BEEN KILLED AND WHO IS RESPONSIBLE, IS THE MAJOR DEMAND OF THE HUMAN RIGHTS GROUPS, BUT THE GOVERNMENT HAS VIRTUALLY CLOSED ITS BOOK ON THIS PAINFUL PERIOD THROUGH ITS "FINAL REPORT" OF APRIL 28, WHICH SAID THAT ALL SO-CALLED DISAPPEARED PERSONS ARE DEAD, IN HIDING, OR LIVING IN EXILE. Recently some amnesty and anti terrorism laws have been revised; they are being considered in the courts and

01/05

UNCLASSIFIED

BUENOS AIRES 6431

many politicians are promising changes in the laws by the Congress to be elected Oct 30.

## 6. QUESTIONS AND ANSWERS FOLLOW:

7. Q. WHAT IS THE CURRENT NUMBER OF POLITICAL (PEN) PRISONERS, AND WHY HAVEN'T THEY BEEN RELEASED YET?

-- A. WE WERE TOLD THERE WERE 156 PEN PRISONERS AS OF MID-AUGUST, DOWN FROM 243 AT THE END OF 1982. THERE WERE 668 AT THE END OF 1981. THERE ARE ALSO REPORTS THAT SOME PRISONERS CONTINUE TO BE HELD AFTER COMPLETION OF THEIR SENTENCES; WE HAVE LITTLE INFORMATION ON THIS CATEGORY WHICH MAY NOT BE INCLUDED IN THE 156 FIGURE. AT THE END OF 1982, MINISTER OF INTERIOR RESTON SAID THAT NO PEN PRISONERS WOULD BE HELD AT THE DISPOSITION OF THE EXECUTIVE BRANCH AT THE END OF 1983. ONE REASON SOME HAVE NOT BEEN RELEASED YET IS THAT THEY ARE IN TRIAL OR APPEAL STATUS. ANOTHER FACTOR IS THAT THE MILITARY BELIEVE A GOOD NUMBER ARE HARD-CORE TERRORISTS AGAINST WHOM CONCLUSIVE PROOF IS LACKING.

8. Q. WHY HASN'T THE STATE OF SIEGE BEEN LIFTED YET?

-- A. THE STATE OF SIEGE PROVIDED FOR IN THE CONSTITUTION WAS INVOKED BY THE ELECTED CONSTITUTIONAL GOVERNMENT IN 1974 AS PART OF THE STRUGGLE AGAINST VIOLENT INTERNAL SUBVERSION, A RATIONALE THAT THE MILITARY GOVERNMENT HAS MAINTAINED SINCE IT TOOK OVER IN MARCH 1976. HOWEVER, THE STATE OF SIEGE HAS HAD VIRTUALLY NO EFFECT FOR SOME YEARS EXCEPT TO PROVIDE THE LEGAL BASIS FOR HOLDING THE PEN PRISONERS. THE COURTS TAKE ACTION ON HABEAS CORPUS WRITS; WHAT CONTROL THERE IS OF THE PRESS IS NOW LARGELY A MANAGEMENT QUESTION, NOT RELATED TO THE STATE OF SIEGE. THE STATE OF SIEGE HAS HAD NO EFFECT ON THE PREPARATION FOR ELECTIONS INCLUDING PARTY ELECTIONS THROUGHOUT THE COUNTRY, AND REMOVAL OF THE STATE OF SIEGE HAS NOT BEEN A PRINCIPAL REQUEST OF THE POLITICAL PARTIES OR OF THE HUMAN RIGHTS GROUPS.

9. Q. BUT HASN'T THE GOVERNMENT SAID THE TERRORISTS HAVE BEEN BEATEN?

-- A. YES, ON SEVERAL OCCASIONS. IT MAINTAINS THE THESIS, HOWEVER, THAT THE THREAT OF NEW SUBVERSIVE OUTBREAKS STILL EXISTS. THE EFFECTS OF THE EARLIER TERRORISM ON MANY ARGENTINES WERE SUCH THAT THERE IS A WIDESPREAD POPULAR FEAR THAT TERRORISM WILL RETURN.

10. Q. IS THE STATE OF SIEGE USED TO KEEP MRS. PERON OUT OF ARGENTINA?

-- A. NO. GOVERNMENT OFFICIALS HAVE STATED FREQUENTLY THAT MRS. PERON IS FREE TO RETURN TO ARGENTINA. SHE IS LIVING IN SPAIN OF HER OWN FREE WILL. HER RIGHTS TO HOLD PUBLIC OFFICE, REMOVED BY A COURT IN 1981, WERE RESTORED ON SEPTEMBER 9, 1983 WHEN PRESIDENT BIGNONE PARDONED HER.

11. Q. WHAT ABOUT NON-PEN PRISONERS HELD IN CONNECTION WITH CRIMES COMMITTED FOR POLITICAL REASONS?

-- A. THERE IS A SUBSTANTIAL NUMBER OF PRISONERS WHO ARE SERVING SENTENCES HANDED DOWN BY MILITARY OR CIVILIAN COURTS. IN MANY CASES THESE PERSONS ARE CONVICTED OF CRIMES INVOLVING VIOLENCE. WE HAVE ONLY LIMITED INFORMATION ON THESE CASES, AND THE NUMBER WOULD DEPEND ON THE PRECISE DEFINITIONS USED TO DEFINE THE GROUP.

12. Q. HOW MANY DISAPPEARED ARE THERE IN ARGENTINA?

-- A. THE ESTIMATES RANGE FROM 6000 UPWARDS; NO ONE REALLY KNOWS. THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS, THE UMBRELLA ORGANIZATION OF MORE THAN HALF A DOZEN ARGENTINE HUMAN RIGHTS ORGANIZATIONS, MAINTAINS A LIST WITH ABOUT 6000 NAMES ON WHICH SOME DOCUMENTATION IS AVAILABLE. ITS CASES HAVE BEEN SUBJECT TO CONSIDERABLE VERIFICATION ALTHOUGH THERE MAY BE CASES INCLUDED WHERE THE INDIVIDUAL HAS GONE INTO EXILE, OR, LESS LIKELY, BID-

CINCSO FOR INTAFF; CINCLANT ALSO FOR POLAD; ROME ALSO FOR VATICAN OFFICE

E.O. 12356: N/A

TAGS: SHUM, KPRP, PINS, AR

SUBJ: HUMAN RIGHTS TRENDS IN ARGENTINA

ING. SOME OTHER ORGANIZATIONS HAVE PREPARED LISTS WHICH ARE CONSIDERABLY LONGER. WE KNOW, HOWEVER, THAT SOME OF THOSE ON THESE LONGER LISTS ARE NO LONGER DISAPPEARED (IF THEY EVER WERE), I.E. WE KNOW THEY ARE LIVING IN ARGENTINA OR ABROAD. ALL HUMAN RIGHTS ORGANIZATIONS BELIEVE THERE WERE MANY PEOPLE WHO DISAPPEARED ABOUT WHOM NO INFORMATION HAS BECOME AVAILABLE TO THE HUMAN RIGHTS COMMUNITY. THUS THESE ORGANIZATIONS ADD AN ESTIMATE FOR THESE POSSIBLE ADDITIONAL DISAPPEARED TO THE NUMBERS FROM A LIST OF DOCUMENTED NAMES TO PROVIDE THEIR ESTIMATES. DESPITE THE OPENING UP OF THE ARGENTINE SOCIETY, INCLUDING MUCH INCREASED PUBLIC ACTIVITY ON BEHALF OF THE DISAPPEARED BY THE PRESS AND HUMAN RIGHTS GROUPS OVER THE PAST THREE YEARS, RELATIVELY FEW ADDITIONAL FAMILIES HAVE COME FORWARD TO ACKNOWLEDGE DISAPPEARED MEMBERS. THUS, WHILE THERE ARE UNDOUBTEDLY SOME DISAPPEARED WHOSE NAMES ARE NOT ON THE LIST OF THE PERMANENT ASSEMBLY, WE ARE INCLINED TO THINK THAT NUMBER IS NOT LARGE. THERE IS NO US GOVERNMENT ESTIMATE, BUT WE WOULD LEAN TOWARD THE LOW SIDE OF THE 6,000 TO 30,000 RANGE GENERALLY MENTIONED BY HUMAN RIGHTS GROUPS.

13. Q. HOW ABOUT THE GOA, HASN'T IT MADE ESTIMATES?

-- A. NO. NOT TO OUR KNOWLEDGE. ABOUT 7,000 REQUESTS FOR INFORMATION ON THE WHEREABOUTS OF DISAPPEARED PERSONS HAVE BEEN RECORDED BY THE MINISTRY OF INTERIOR. THE MINISTRY HAS SAID THAT IT PROVIDED INFORMATION TO FAMILY MEMBERS IN ABOUT 1450 OF THESE CASES. IN SOME INSTANCES THIS INFORMATION INCLUDED THE LOCATION OF THE REMAINS.

14. Q. HAVE NAMES ON WHICH INFORMATION HAS BEEN PROVIDED BEEN REMOVED FROM THE DISAPPEARED LISTS?

-- A. IN SOME CASES, YES. IN OTHER CASES THE FAMILIES MAY NOT HAVE REPORTED THE INFORMATION TO THE HUMAN RIGHTS GROUPS. ALSO, I WOULD NOTE THAT SOME OF THE LARGER LISTS WERE PREPARED SOME YEARS AGO AND HAVE NOT BEEN REVISED.

15. Q. WHAT ARE WE DOING TOWARD RESOLVING THIS HUMANITARIAN PROBLEM OF FAMILIES UNCLEAR AS TO WHAT HAS HAPPENED TO THEIR LOVED ONES?

-- A. WE HAVE ENCOURAGED THE GOA TO PROVIDE AS COMPLETE INFORMATION AS POSSIBLE ON THE DISAPPEARED. WE HAVE FOLLOWED UP ON THE FEW CASES OF AMERICAN CITIZENS WHO DISAPPEARED.

16. Q. HOW MANY U.S. CITIZENS ARE THERE WHO DISAPPEARED

UNCLASSIFIED

BUENOS AIRES 06431 03/05

AND HAVE NOT REAPPEARED?

-- A. TO THE BEST OF OUR KNOWLEDGE, THERE ARE TWO AMERICANS -- BILLY LEE HUNT AND JON PERMIN AROZARENA -- LISTED AMONG THE DISAPPEARED. IN A THIRD CASE -- THAT OF TONI AGATINA MOTTA -- OUR EMBASSY HAS BEEN UNABLE TO CONFIRM THAT SHE WAS EVER IN ARGENTINA. WE CONTINUE TO PURSUE ANY LEAD WHICH MIGHT PROVIDE INFORMATION ON THESE U.S. CITIZENS, ALTHOUGH THESE DISAPPEARANCES OCCURRED SEVERAL YEARS AGO (IN 1977 IN THE FIRST TWO CASES AND IN 1980 IN THE MOTTA CASE).

17. Q. WHAT ABOUT CHILDREN, MAINLY BABIES, THAT DISAPPEARED; ARE THEY PRESUMED DEAD TOO?

-- A. A NUMBER OF CHILDREN, GENERALLY THE ESTIMATES ARE ABOUT 100, ARE REPORTED AS DISAPPEARED. SOME DISAPPEARED AT THE SAME TIMES AS THEIR PARENTS. SOME WOMEN WHO WERE PREGNANT AT THE TIME THEY DISAPPEARED ARE ASSUMED TO HAVE DELIVERED. IT IS GENERALLY BELIEVED IN ARGENTINA THAT SUCH CHILDREN HAVE BEEN PLACED IN FOSTER HOMES OR IN ORPHANAGES. EFFORTS HAVE APPARENTLY BEEN MADE TO AVOID DISTINGUISHING THESE CHILDREN FROM OTHERS WHO MAY HAVE BEEN GIVEN UP FOR ADOPTION OR WHOSE PARENTS MAY HAVE BEEN LOST IN ACCIDENTS OR TO NATURAL CAUSES.

UNCLASSIFIED

BUENOS AIRES 06431 03/05

-- IN GENERAL, THE GOVERNMENT HAS NOT BEEN RESPONSIVE TO ATTEMPTS BY GRANDPARENTS OR OTHER RELATIVES TO TRY TO FIND THESE CHILDREN, WHO HAVE BEEN LIVING IN AN ESTABLISHMENT ENVIRONMENT FOR SEVERAL YEARS. WE DO KNOW OF A COUPLE OF CASES IN WHICH PARENTS OR OTHER RELATIVES HAVE RECOVERED SUCH CHILDREN. IN SOME CASES, SUCH AS ONE REPORTED IN THE WASHINGTON POST IN AUGUST, THE CHILD HAD BEEN TAKEN IN BY FRIENDS OR NEIGHBORS AND RETURNED AFTER THE MOTHER WAS RELEASED FROM PRISON.

18. Q. WHATEVER HAPPENED IN THE CASE OF THE UNMARKED GRAVES LAST YEAR?

-- A. UNMARKED GRAVES CONTAINING THE REMAINS OF 88 BODIES WERE REPORTED BY THE PRESS IN OCTOBER 1982 IN GRAND BOURG CEMETERY IN BUENOS AIRES AND, A MONTH LATER, ANOTHER 295 UNIDENTIFIED BODIES WERE REPORTED BURIED IN A LA PLATA CEMETERY. ANOTHER 22 WERE REPORTED IN MAR DEL PLATA ON AUGUST 11, 1983. THE EXISTENCE OF SUCH GRAVES HAD FIRST BEEN GIVEN PUBLICITY BY THE OAS HUMAN RIGHTS COMMISSION IN APRIL 1982, BUT THERE WAS NO OFFICIAL INVESTIGATION AT THAT TIME. HOWEVER, INVESTIGATIONS ARE NOW BEING CARRIED OUT BY THE COURTS TO SEE IF ANY ILLEGAL ACTS WERE COMMITTED DURING SUCH BURIALS. SOME FAMILIES HAVE BEEN ABLE TO REMOVE THEIR RELATIVES' BODIES FOR A FORMAL INTERMENT, AND IT IS CLEAR SOME OF THE BODIES WERE THOSE OF PERSONS REPORTED DISAPPEARED.

19. Q. WHAT IS THE US POSITION ON THE AMNESTY LAW THAT THE ARGENTINE ARMED FORCES ARE CONSIDERING?

-- A. WE BELIEVE THAT THE RETURN TO A FREE, DEMOCRATIC SYSTEM, WHICH IS WELL UNDERWAY IN ARGENTINA, OFFERS THE BEST LONG-TERM PROTECTION OF INDIVIDUAL HUMAN RIGHTS. WHETHER OR NOT AN AMNESTY LAW SHOULD BE PART OF THIS PROCESS CAN ONLY BE DECIDED BY THE ARGENTINES THEMSELVES. THEREFORE, WE WOULD NOT WISH TO EXPRESS A VIEW.

20. Q. DOES NOT THE KILLING OF CAMBIASO AND PEREIRA ROSSI IN MAY INDICATE THAT THE REPRESSIVE APPARATUS IS STILL FUNCTIONING?

-- A. THREE POLICEMEN REMAIN IN DETENTION IN CONNECTION WITH THESE DEATHS; THE COURTS ARE DEEPLY INVOLVED IN THEIR INVESTIGATION, AND THE NATURE OF THIS INCIDENT IS NOT CLEAR. ANOTHER FORMER MONTONERO, RAUL YAGUER, WAS REPORTEDLY KILLED IN A DIFFERENT SHOOT-OUT IN APRIL 1983. THE GOVERNMENT CLAIMS HE HAD MATERIALS AND PLANS INDICATING UPCOMING ATTACKS ON PROMINENT GOVERNMENT AND POLITICAL FIGURES. WE HOPE, OF COURSE, THAT PURPORTED TERRORISTS CAN BE CAPTURED AND BROUGHT TO TRIAL. WE BELIEVE SUCH FORMAL LEGAL PROCESSES WILL BE THE POLICY OF AN ELECTED GOVERNMENT.

-- AS FAR AS WE KNOW, THESE THREE ARE THE ONLY CASES OF DEATHS IN 1983 WITH POSSIBLE POLITICAL ASPECTS. THESE CASES DO NOT SUGGEST THAT AN EXTENSIVE, SO-CALLED

REPRESSIVE APPARATUS IS STILL FUNCTIONING. WE KNOW THAT MANY PARTS OF THE STRUCTURE WHICH WAS ESTABLISHED FOR THE ANTI-TERRORIST EFFORTS IN THE 1970'S HAVE BEEN DISBANDED. THE ARGENTINE GOVERNMENT DOES, OF COURSE, STILL HAVE INTELLIGENCE SERVICES AND VARIOUS POLICE FORCES. MOREOVER, AS FEW INDIVIDUALS HAVE BEEN PUNISHED FOR DIRTY WAR ACTIVITIES, SUCH INDIVIDUALS ARE PRESUMED GENERALLY STILL TO BE RESIDENT IN ARGENTINA.

21. Q. IS NOT ANTI-SEMITISM A MAJOR PROBLEM IN ARGENTINA?

-- A. NO. THERE IS A LARGE JEWISH COMMUNITY IN ARGENTINA, PERHAPS NUMBERING 400,000. THERE ARE NUMEROUS SYNAGOGUES AND THE COMMUNITY MAINTAINS SCHOOLS, COUNTRY CLUBS, AND OTHER FACILITIES. ANTI-SEMITISM IS OCCASIONALLY MANIFESTED IN GRAFFITI AND IN MINOR PUBLICATIONS OFFERED REGULARLY ON NEWSSTANDS AS FREEDOM OF EXPRESSION HAS INCREASED. THERE HAS NOT BEEN A MAJOR VIOLENT INCIDENT



AGAINST THE JEWISH COMMUNITY FOR SOME YEARS. THE CONSTITUTION DOES PROVIDE THAT THE PRESIDENT AND THE VICE PRESIDENT MUST BE CATHOLIC.

22. Q. DOES NOT THE KIDNAPPING AND THE ACCUSATIONS OF GUILLERMO PATRICIO KELLY DEMONSTRATE THAT ARGENTINA IS A LAWLESS COUNTRY WHERE NO ONE'S RIGHTS ARE PROTECTED?

-- A. CERTAINLY THE DAYLIGHT KIDNAPPING OF KELLY FROM A MAIN STREET IN BUENOS AIRES BY ARMED MEN SUGGESTED A RETURN OF TERRORISTS AND THE DIRTY WAR. BUT KELLY WAS FREE IN LESS THAN 24 HOURS. HE HAS CLAIMED THAT HIS KIDNAPPERS WERE WHAT HE CALLS MAFIA-TYPES (HIRED GANGSTERS, WHO HAVE ALSO BEEN INVOLVED IN MANY OTHER CRIMES OVER THE PAST YEARS. THIS CASE IS UNDER INVESTIGATION AND THE COURTS HAVE ORDERED THE ARREST OF SEVERAL MEN, SOME OF WHOM HAVE BEEN PICKED UP. THIS PROCESS OF INVESTIGATION BY THE COURTS AND THE COOPERATION BEING GIVEN THE COURTS BY THE POLICE, AS WELL AS THE FACT THAT KELLY IS ABLE TO TESTIFY BEFORE THE COURTS, SEEM TO ILLUSTRATE NOT A RETURN TO THE TIMES OF TERRORISM, BUT THE DAWNING OF MORE POSITIVE TIMES IN ARGENTINA WITH INDIVIDUAL HUMAN RIGHTS DEFENDED BY THE CIVILIAN COURTS THROUGH THE USUAL LEGAL PROCEDURES.

23. Q. WILL THOSE RESPONSIBLE BE PUNISHED AT LEAST FOR THE EXCESSES COMMITTED DURING THE DIRTY WAR (THE ACTION AGAINST THE TERRORISTS)?

-- A. THE TERM "EXCESSES" REQUIRES CAREFUL DEFINITION IN ARGENTINA. OF COURSE BY THE STANDARDS OF A COUNTRY AT PEACE, ANY TORTURE, ARRESTS, OR KILLINGS OUTSIDE THE ESTABLISHED COURT SYSTEM IS AN EXCESS. BUT IN ARGENTINA DURING THE MID-1970'S THE COURTS HAD NEARLY STOPPED FUNCTIONING; JUDGES HAD BEEN KILLED. IN ARGENTINA THE TERM "EXCESSES" GENERALLY REFERS TO ACTIONS TAKEN, PERHAPS UNDER THE GUISE OF THE DIRTY WAR, WHICH WERE NOT RELATED TO THE TERRORISM. IT IS BELIEVED THAT CRIMES WERE COMMITTED FOR PERSONAL AND/OR MONETARY REASONS AGAINST PERSONS CLEARLY NOT INVOLVED IN THE CIVIL STRUGGLE. WHERE THERE WAS A BELIEF, EVEN IF ERRONEOUS, THAT THE ACTION WAS PART OF THE CIVIL STRUGGLE, IT IS NOT CONSIDERED AN EXCESS UNDER THIS DEFINITION. MOST OF THE CASES WHICH ARE NOW BEING PROCESSED IN THE ARGENTINE COURTS APPEAR TO RELATE TO THIS TYPE OF "EXCESS" CASE, ALTHOUGH MANY FACTS ABOUT THESE CASES ARE STILL NOT PUBLIC.

24. Q. WITH THE MILITARY GOVERNMENT LEAVING OFFICE DRAGGING ITS FEET ON SUCH ISSUES AS MISSING PERSONS, UNMARKED GRAVES, THE STATE OF SIEGE, ETC., DOESN'T THAT GUARANTEE THAT ARGENTINA WILL ALWAYS BE THREATENED WITH OFFICIAL TERRORISM? WILL ELECTED CIVILIAN GOVERNMENTS ALWAYS FACE THE DANGER OF ANOTHER MILITARY COUP?

-- A. THE ESTABLISHMENT OF A LASTING DEMOCRATIC SYSTEM TAKES A LONG TIME AND A LOT OF EFFORT IN ANY COUNTRY. WE HOPE THAT ARGENTINA CAN DEVELOP THE FULL RANGE OF DEMOCRATIC INSTITUTIONS, INCLUDING AN INDEPENDENT JUDICIARY AND FULL CONTROL OF ITS ARMED FORCES BY ELECTED OFFICIALS.

UNCLASSIFIED

BUENOS AIRES 06431 05/05

THE OPENING OF THE POLITICAL SYSTEM NOW UNDERWAY IS A VERY POSITIVE DEVELOPMENT, AND IT HAS THE SUPPORT OF THE MILITARY. MANY OF THE PROBLEM AREAS ARE UNDER INVESTIGATION IN THE COURTS. MOST OF THE EFFECTS OF THE STATLOF SIEGE HAVE BEEN LIFTED. THERE HAVE BEEN ONLY A FEW INCIDENTS THAT MIGHT BE ATTRIBUTED TO SECURITY FORCES IN RECENT YEARS. THESE ARE ALL POSITIVE SIGNS THAT CAUSE US TO HOPE THAT ARGENTINA CAN FOLLOW IN THE FOOTSTEPS OF COUNTRIES SUCH AS VENEZUELA, WHICH HAVE ESTABLISHED A STABLE DEMOCRATIC SYSTEM. ARGENTINA'S FUTURE WILL DEPEND LARGELY ON ITS FUTURE LEADERSHIP AND ON THAT LEADERSHIP'S ABILITY TO BUILD A NATIONAL CONSENSUS ON COURSES OF ACTION TO REALIZE ARGENTINA'S UNDENIABLE POTENTIAL. BUSENELL

UNCLASSIFIED

BUENOS AIRES 06431 05/05